THE TRAVANCORE KSHATRIYA ACT (AMENDMENT) BILL.

Mr. P. R. Godavarma Raja (*Edavaga*): Sir, I beg to move that the Travancore Kshatriya Act Amendment Bill be read in the Council.

As the representative of a very important section of the Kshatriya community I deem it a privilege to introduce this bill for the serious consideration of this House. The Kshatriya Act of which this bill is an amendment, was passed in 1108 in the then Legislative Council. Though in the initial stages of the bill which was passed in that Council, it had a slow progress and some witnesses were examined by the select committee, when it reached the second and third reading stages it had a very rapid progress so that amendments which were intended to be moved were not moved for fear that the bill may not be passed during the life of that Council. This will be very clear from a perusal of the proceedings of that Council. Hence I shall not be wrong in assuming that that bill had not been given sufficient consideration at the Legislature's hands. I shall not be misunderstood when I say that the honourable member who piloted the bill through the Legislature then, wanted a law which should be certain and definite for the Kshatriyas whatever may be its imperfections. Probably he thought that amendments could be made at any time. The Kshatriya community feels immensely grateful to him for the great work he did in implementing that legislation. All honour to him.

Following the footsteps of that honourable member I am introducing this bill having had the opportunity of watching the effect of that Act on the Kshatriya community as a whole and the scheduled families in particular. The most mischievous part of that piece of legislation is the one relating to partition. Sections 43 and 45 of that Act give every member or group of members of a Kshatriya family the right to claim individual or thavazhi partition as the case may be at any time. It is also provided that any member may claim this right by means of a simple declaration to that effect and such declaration is tantamount to partition and subsequent fluctuations in the number of members will not affect his share. Even though very few members of the scheduled families have exercised this right, the mischief will undoubtedly work to the detriment of the other members of the family as well as the member who makes such a declaration. The member who makes the declaration has no chance of getting his portion of the family property by metes and bounds without a fight in the law courts which will be wasteful and ruinous to all parties concerned. It is therefore urgent that the mischief should be remedied all at once.

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Coming to this question of partition we have to look into the history of the joint family system which is peculiar to India. Whereas in the West individual ownership is the rule, in India communal ownership is the rule. This communal ownership is fully revealed in the ancient village communities which are considered to be ideal institutions even by eminent historians and statesmen of the West. With the impact of the individualistic Western civilization these village communities which were once model republics decayed and their decay contributed to the economic ruin of the country. Similarly the Hindu joint family system and the Marumakkathayam system have been highly praised by eminent writers. Of late it has come into disrepute and has been the target of attack from all sides as contributing to the misery of the people. Much of the criticisms that are levelled against this system are unwarranted and ill placed. As long as the joint family system continued in its pristine purity it contributed to the economic well being of the country and the people and, in spite of the heavy onslaught from within and without, this system has been able to survive in India. Even in Western countries the principle of communal ownership which is the very basis of the joint family system is fast coming into vogue in different forms which are considered though incorrectly as something new to India. Are we not hearing about socialism, communism, bolshevism, national socialism and other *isms* which are fashionable slogans of the day? Even though we may not agree with the methods adopted by those who advocate the above '*isms*' in regard to the Government of a State we cannot but agree with the principle that communal ownership and common management are better and more economical. The Joint family system is only one aspect of this wholesome principle. From what I have said above it will be clear that this system must be continued if we are to prevent economic wastage and stagnation.

Any person who has the economic welfare of the country at heart will be pained to see the unprecedented and much too rapid fragmentation of our agricultural holdings. In that connection I would refer the honourable members of this House to the report of the Census Commissioner the late Dr. N. Kunjan Pillai. On page 477 of the report it is stated as follows :—

> "Nowhere else in India has the sub-division of land been carried to such an extent as in Travancore. The process must have been considerably accelerated during the latter half of the past decade when Regulations providing for the partition of tarwad properties of these important marumakkathayam communities namely, Nayar, Ilava and Nanjanad Vellala, were passed. The number of partition deeds executed, the total extent of land partitioned and the number of shares into

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[Mr. P. R. Godavarma Raja]

which it has been divided, compiled from the figures supplied by the Registration Department, are shown in State Table V included in part II (Imperial Tables).

The following statement gives a summary of the figures contained in that table..

The above statement shows that Nayars have executed 32,903 partition deeds covering an area of 334,300 acres of land which has been distributed among 400,864 individuals, that Ilavas have executed 13,076 deeds distributing 59,636 acres among 153,556 persons, and that Nanjanad Vellalas have partitioned 6,658 acres among 5,389 shareholders by executing 665 partition deeds. The extent of each share worked out from the above figures comes to 83 cents for Nayars, 39 cents for Ilavas and 123 cents for Nanjanad Vellalas. These figures do not, however, show the extent to which land has been sub-divided. This can be seen from the proportions given in the margin for Nayars and Ilavas. Among Nayars 16 per cent. of the lands partitioned have been divided into individual shares of 50 cents or less, while the corresponding proportion among Ilavas is 35 per cent. The proportion of shares up to 1 acre each is about 34 per cent. among Nayars and more than 60 per cent. among Ilavas. We have seen in paragraph 72, Chapter I, that a family consisting of five members should have at least 10 acres of land to maintain a minimum standard of living. Each member should thus have at least two acres. From the above table it will be seen that of the total extent of land partitioned by Nayars, only 44 per cent. have been divided into shares of 2 acres or above and that in the case of Ilavas this proportion is not more than 20 per cent. In other words, 56 per cent of the land in the case of Nayars and 80 per cent. in the case of Ilavas have been divided in such a way that it will not provide a fair means of subsistence to the holders thereof.

We have already seen that the number of share holders in 32,903 partition deeds executed by Nayars is 400,864 and that the number in 13,076 partition deeds executed by Ilavas is 153,456."

President: Is the honourable member quoting from the Census Report?

Mr. P. R. Godavarma Raja: Yes, Sir.

President: I think the honourable member may make reference to it. We are all supposed to have read the report.

Mr. P. R. Godavarma Raja: I was only showing that the root cause of the economic distress of the people lies in the nature of our inheritance laws and in the right to individual partition which has been freely given to the majority of the people by means of personal laws passed by the legislature from time to time. Both inside the legislature and outside the cry is heard that the State should undertake necessary legislation in the matter of consolidation of our holdings on the model of what has been done in

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other parts of the world. Is it not then in the fitness of things that we should first of all prevent the disruption of the existing joint families before we embark upon a policy of consolidation? "Prevention is better than cure" so says the old adage. It is with this end in view that I have undertaken to introduce this bill.

The reason for confining my attention in this bill to the scheduled families alone is the fact that these families occupy a unique position in the aristocratic order of this land. In all fields of activities they are the inheritors of a great tradition. They have long ago accepted the allegiance of and sought protection from the rulers of this ancient land. They were the patrons of learning, literature, art and all other things which go to make up culture. By force of circumstances these families fell on evil days and the Kshatriya Act of 1108 has given the death-blow to these families which are now the only remnants of an ancient and aristocratic nobility in the land. It is in order to save these families from complete extinction that I have come forward with this amendment bill.

The evil effects of partition are clearly discernible among those communities who have recently been given the right of partition, I mean especially the Nair community. Very many Nair families which were once the holders of big landed property and which formed an important section of the aristocratic order have been divided and many of the members of such families have become holders of small plots of land which are quite insufficient to maintain them. So much so they had no other course but to alienate them in favour of others, more often to members of other communities. The result is that almost all the lands which were once in the ownership and possession of the Nair community have passed into the hands of communities who are more industrious and hardworking.

The chief object of this bill is to preserve the corpus of the Tharvad property and to protect the members of these families from the evil effects of individual partition. Whatever may be the benefits of partition to some individuals who, by dint of superior intelligence or other special equipments or their good luck in having had special kind of education, may be able to improve their lot, there is no doubt that the immediate effect of such partition will be the economic ruin of the vast majority of the members of these families. If the experiences of the members of other similarly placed communities can tell anything it is this. Especially so is the case with the members of the scheduled families because of their particular social condition. From the pure Marumakkathayam joint family to the radical and individualistic condition of partition is

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. R. Goda Varma Raja.]

really a sudden jump. To adjust oneself to the suddenly altered condition requires great courage and spirit of adventure which can rarely be expected from the members of these families—I am particularly anxious of the condition of the female members of these families who according to the age long custom have been married to Namboodiri Brahmins who have no sufficient income to fall back upon. The Malayala Brahmin Act has not conferred the right of partition on the Namboodiries nor can we expect the Namboodiries to be able to look after their affairs because of their particular social condition. Hence the plight of such female members under such circumstances will be pitiable and hard. If caste marriage becomes the rule there may be better reasons to introduce partition in the family.

Mr. Kottur Kunjukrishna Pillai: May I know from the honourable member the reason why these families should not have the advantageous position enjoyed by the families of those communities affected by the partition law?

Mr. P. R. Godavarma Raja: I have already answered this in the statement of objects and reasons relating to this Bill.

With these words I move that the Bill be read in Council.

Mr. K. M. Kesavan: I second it.

Mr. Kottur Kunjukrishna Pillai: May I know from the honourable member the reason why these families should not take advantage of this provision of exclusion and get benefited by it?

Mr. P. R. Godavarma Raja: For that matter, I have stated in the course of my speech that there is a suspicion in some of the members of the family that if they forego this right they will be helpless and be compelled to resort to the costly remedies provided for in the Courts.

President: Does the honourable member move the Bill?

Mr. P. R. Godavarma Raja: Yes, Sir. I move that the Bill be accepted.

Mr. A. Easwara Pillai: Sir, I second the motion.

Mr. P. G. Rama Varma Raja (*Co-opted*) Sir, I oppose the Bill. The facts and reasons put forward by the honourable mover are not correct. The honourable mover of the Bill has stated that the provision of the right to claim individual partition in the Kshatriya Act of 1108 is mischievous and is proving to be injurious to the community. I would submit, Sir, that it is not a correct statement, and no member of the Kshatriya Community has ever resented the inclusion of partition in the Kshatriya Act On the other hand, one of the families--Ennakkattu Kottaram--has taken

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advantage of the provision—Sections 43 and 45—and has filed a suit for partition and, in certain other instances, some families have declared themselves under the provision of this Act. I, therefore, do not understand how the honourable member, the mover of the Bill, is saying that the Act is not liked by the Kshatriya community and that the provision for partition in the Act is harmful. I have never heard about it till it was moved by the mover. The honourable member says that the families will be ruined. If the provision for partition is to ruin the Community, I think so many other communities which have been given the benefits of partition should also raise the same cry. I don't think many of them have been ruined merely on account of the right given to them to partition. Perhaps none can complain about that.

Mr. Kochikal P. Balakrishnan Tampi: May I ask the honourable member, if it is no inquisitiveness, to which family of the Kshatriya community does he belong?

Mr. P. G. Rama Varma Raja: I belong to the Poonjar family.

Mr. Kochikal P. Balakrishnan Tampi: To which family does the honourable mover of the Bill belong?

Mr. P. G. Rama Varma Raja: He also belongs to the Poonjar family.

Mr. G. Narayana Aiyar: May I know whether any suit has been filed by the Ennakattu Kottaram?

Mr. P. G. Rama Varma Raja: Certain members of the Ennakattu Kottaram have filed a suit and the suit is pending in the Quilon District Court.

Mr. P. R. Goda Varma Raja: May I know when the suit was filed and how long it has been pending there?

Mr. P. G. Rama Varma Raja: It is more than two years since the suit was filed and it seems to me that a Receiver has been appointed.

President: Two years!

Mr. P. G. Rama Varma Raja: Yes, two years, Sir.

Mr. Kochikal P. Balakrishnan Tampi: May I ask the honourable member whether it is not to prevent such unseemly things as the Rajas coming to law-courts that this Bill has been introduced?

President: Order, order. The mover has not suggested that.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I am interested in Rajas.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. G. Rama Varma Raja: Therefore, my submission to this House is that any provision to divest the right of partition vested by the Kshatriya Act of 1108 cannot be allowed, because it is a vested right and a right once vested is a valid right and a right once vested cannot be divested for such reasons. And again, even if the Bill goes on further and prescribes certain provisions for the management of the properties, I oppose those provisions very strongly, because, instead of safeguarding the interests of the families, my humble submission with regard to these provisions is that it ruins all these families ; it disregards the fundamental principles of Marumakkathayam ; it deprives the Community of its aristocratic status and dignity ; it disregards the vested rights of the Community. Here, in Section 52 (B) (1) "An officer of Our Government not below the status of a District Judge or a Division Peishkar specially authorised by Our Government in that behalf may, subject to such rules as may be prescribed, on the application of any member of a tarwad exempted under Section 52—A, shall, on the application of not less than one third of the number of adult members of any such tarwad, enquire into the affairs of the tarwad and for that purpose call for and examine the tarwad accounts, if any, maintained under Section 32."

I strongly object to that proposition, because, even in the matter of deposing a karanavan if the karanavan is illmanaging the affairs of the family, even if the karanavan is found incompetent to manage the family satisfactorily, then the next senior heir should be allowed to take his place. If the Government find that the karanavan is incompetent, then the next anantharavan should become the karanavan. On these grounds, I strongly oppose the Bill.

It is my humble opinion that before this House considers this Bill the sense of the members of the family should be ascertained. I, therefore, submit that the sense of the Community should be ascertained before this Bill is passed,

Mr. James Fletcher: Will the honourable member be pleased to say whether any objection has been raised by any member of his tarwad ?

Mr. P. G. Rama Varma Raja: I am myself a member of one of those families and I object to that.

President: Then why did the honourable member not raise his objection earlier ?

Mr. P. G. Rama Varma Raja: The notice of this Bill was given only very recently and therefore I had not sufficient time to do anything.

President: When was the notice given ?

LIBRARY ARCHIVES Kerala Legislative Assembly

Secretary: On the 22nd January 1941.

President: Was it published in the Gazette ?

Secretary: Yes, Sir. It was published in the Government Gazette.

Mr. P. G. Rama Varma Raja: It is anyway not necessary to include Kilimanoor and Poonjar since they are impartible under the Kshatriya Act of 1108. Therefore these families need not have a place in the Schedule. And, therefore, I submit that the Bill, as it is drafted, is not necessary, and it is not to the interests of the Kshatriya Community. But, on the other hand, the Kshatriya Act needs some amendment in some other respects. Those things have not been adverted to by the honourable mover of the Bill. Those amendments relate to the question of marriage, because, in the matter of marriage, the Kshatriya Act says that the marriage will be valid only if it is registered before a sub-registrar. In no other community does such a system exist. That provision requires amendment. The honourable mover has not referred to that. I submit that when this Bill is considered by the Select Committee, the question of marriage, and in considering the question of marriage, the question of divorce, may also be considered.

Mr. Kallur Narayana Pillai: സർ, ഈ ബില്ലിന്റെ തത്വത്തോട് ഞാൻ ഹാർദ്ദമായി യോജിക്കുന്നു. ഈ ഷെഡ്യൂളിൽ കാണിച്ചിരിക്കുന്ന രാജകുടുംബങ്ങളിൽ എട്ടെണ്ണം ഒഴിച്ചു ബാക്കിയുള്ളതെല്ലാം എന്റെ നിയോജകമണ്ഡലത്തിൽ സ്ഥിതി ചെയ്യുന്നതും, ആ കുടുംബങ്ങളുടെ സ്ഥിതി എനിക്കു നല്ലവണ്ണം അറിയാവുന്നതുമാണ്. തിരുവിതാംകൂർ ക്ഷത്രിയബിൽ ഈ രാജകീയകുടുംബങ്ങളിലുള്ള ക്ഷത്രിയരേയും, തമ്പാൻ, തിരുമൽപ്പാട്, കോവിലധികാരി മുതലായ മറ്റു ക്ഷത്രിയരേയും ബാധിക്കുന്നതാണ്. ഈ രാജകീയകുടുംബങ്ങൾ ധാരാളം ഭൂസ്വത്തുള്ളവരും ഇടവക വസ്തുക്കളുള്ളവരുമാകുന്നു. ഭാഗം അവരുടെ കുടുംബങ്ങളിൽ അനുവദിച്ചതു അവരുടെ പാരമ്പര്യത്തിനും, കുലമഹിമയ്ക്കും, അന്തസ്സിനും വളരെ ഹാനികരമാണെന്നാണ് എന്റെ അഭിപ്രായം. മി. രാമവർമ്മരാജാവു് പറഞ്ഞതുപോലെ എണ്ണക്കാട്ട കൊട്ടാരത്തെസംബന്ധിച്ചു് വ്യവഹാരം നടന്നവരുന്നതും റസീവറെവച്ചു ആദായം എടുത്തുവരുന്നതുമാകുന്നു. രാജകീയകുടുംബക്കാർ മഹത്വവും സ്ഥാനവുമുള്ളവരും പലപ്പോഴും തിരുവിതാംകൂർ രാജകുടുംബവുമായി ബന്ധപ്പെടേണ്ടവരുമാണ്. ഏതെങ്കിലും കുടുംബം ആളോഹരിവച്ചു ഭാഗിച്ചു് ആയിരമൊ, രണ്ടായിരമൊ രൂപ വാങ്ങിക്കൊണ്ടു പോകേണ്ടതായി വരുന്നതു് അവരുടെ അന്തസ്സിനു പറ്റിയ കാര്യമല്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. V. Sankara Menon. നായർ തറവാട്ടുകളിൽ ഈ വിഷമം ഉണ്ടായിരുന്നില്ലെ?

Mr. Kallur Narayana Pillai: നായർ കുടുംബങ്ങളിൽ ആ ളോഹരിഭാഗം കിട്ടണമെന്ന ശക്തിയായി വാദിച്ചവനിൽ ഒരാളാണ് ഞാൻ. ഇപ്പോൾ അതു് അബദ്ധമായിപ്പോയി എന്നാണു ഞാൻ വിചാ രിക്കുന്നതു്. ഭാഗംകൊണ്ടു മിക്കവാറും നായന്മാർ നശിച്ചു എന്നതന്നെ പറയാം. അതുകൊണ്ടു് ക്ഷത്രിയകുടുംബങ്ങളിൽ ഭാഗം ഒരിക്കലും അനു വദിക്കുവാൻ പാടുള്ളതല്ല.

പിന്നീടു് ഈ ആക്ടിൽത്തന്നെ മറെറാരു ദുഷ്യവുമുണ്ടു്. കൊട്ടാര ങ്ങളിൽ ഇരിക്കുന്ന 'തമ്പുരാട്ടി' എന്നു ഞങ്ങൾ പറയുന്ന സ്ത്രീയ്ക്കു് പുറത്തി റങ്ങി സബ് രജിസ്ത്രാരുടെ മുൻപിൽ ചെന്നു രജിസ്റ്റർചെയ്തു്, മതസംബ ന്ധമായ ചടങ്ങുകളൊന്നുമില്ലാതെ ഒരു നിലവിളക്കുപോലും കത്തിച്ചുവ യ്ക്കാതെ വിവാഹം നടത്താം. ഒരു പരീക്ഷ പാസായി എന്നുള്ളതിനു സർട്ടിഫിക്കെറു വാങ്ങി വയ്ക്കുന്നതുപോലെ സബ് രജിസ്ത്രാരുടെ സർട്ടിഫിക്കെറുണ്ടായിരുന്നാൽ ഒരു സ്ത്രീയും പുരുഷനും ഭാര്യയും ഭർത്താ വുമായി

President: Order, order. It is now 1 o' clock. The House will now adjourn and meet again at 2 o' clock.

(The House adjourned for lunch at 1 P. M. and re-assembled at 2 P. M.)

Mr. Kallur Narayana Pillai: ക്ഷത്രിയ കുടുംബങ്ങളിൽ ഭാഗവ്യവസ്ഥ ഏർപ്പെടുത്തുന്നതു് പ്രായോഗികമല്ലാ എന്നു ഞാൻ പറ ഞ്ഞു. രാജകീയ കുടുംബാംഗങ്ങൾക്കു പൊതുവായി പെൻഷൻ കൊടു ക്കുക എന്നൊരു പതിവുണ്ടു്. അതാളോഹരിപ്രകാരം ഒരു ക്ലിപ്ത സംഖ്യ യായിരിക്കും കൊടുക്കുന്നതു്. ഇങ്ങനെ പെൻഷൻ ഉള്ള കുടുംബങ്ങളിൽ ഭാഗംചെയ്യുന്നപക്ഷം ആ കുടുംബാംഗങ്ങളിൽ ആരെങ്കിലും മരിച്ചുകഴി ഞ്ഞാൽ ഈ പെൻഷൻ തുകയെസംബന്ധിച്ചിടത്തോളമെങ്കിലും വീണ്ടും ഭാഗം നടത്തേണ്ടതായി വരും. അപ്പോൾ കൊല്ലം തോറും ഭാഗം ചെ യ്യേണ്ടിയും വരും. അതുകൊണ്ടു് ഭാഗവ്യവസ്ഥയെ സംബന്ധിച്ചിട ത്തോളമെങ്കിലും ഒരു ഭേദഗതി ഈ ബില്ലിനു ആവശ്യമായിട്ടുണ്ടു്.

ഇവരുടെ വിവാഹത്തെ സംബന്ധിച്ചും എനിക്കു ഒരു വാക്കു പറ യാനുണ്ടു്. ഭാഗം കഴിഞ്ഞശേഷം നാലു തലമുറ കഴിഞ്ഞാൽ ആ കുടും ബാംഗങ്ങൾ തമ്മിൽ തമ്മിൽ വിവാഹം ആകാമെന്നൊരു വ്യവസ്ഥ

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യുണ്ട്. അതും അത്രനല്ല ഒരേർപ്പാടാണൊ എന്നു ഞാൻ സംശയിക്കുന്നു. ഒരു കുടുംബത്തിൽ ൻ൦ വയസ്സായ ഒരു സ്ത്രീ ജീവിച്ചിരിപ്പുണ്ടെങ്കിൽ അവരുടെ ഇങ്ങേയറ്റത്തെ സന്താനവഴിക്കാർ തമ്മിൽ വിവാഹം ചെയ്യുന്നതു അവർക്കുതന്നെ കാണേണ്ടതായി വരും, അതും അക്ഷേപാർഹമാണു.

നമ്മുടെ രാജകുടുംബത്തിലേക്കു ഇവരുടെ ചില കുടുംബങ്ങളിൽ നിന്നു ദത്തെടുക്കേണ്ടതായി വരുന്നുണ്ട്. ഭാഗവ്യവസ്ഥകൊണ്ടും മറ്റും ഛിന്നഭിന്നമായിപ്പോകുന്ന ഇത്തരം കുടുംബങ്ങളിൽ നിന്നു ദത്തെടുക്കുക എന്നുള്ളതും അക്ഷേപാർഹമായിട്ടുള്ളതാണ്. വിവാഹസർട്ടിഫിക്കേറ്റിനു സബ് രജിസ്ട്രാർ മുമ്പാകെ സാമാന്യ ജനങ്ങളെപ്പോലെ ഇവരും ഹാജരാകുവാൻ തുടങ്ങിയിരിക്കുന്ന നിലയ്ക്കു മാവേലിക്കരയിലെ സ്പെഷ്യൽ സ്കൂളിൽ പഠിക്കുന്ന രണ്ടു മൂന്നു ക്ഷത്രിയ സ്ത്രീകൾക്കു പ്രത്യേകം ഒരു പരീക്ഷാസെൻറർ ഉണ്ടാക്കണമെന്നു പറയുന്നതു എന്തിനാണെന്നു മനസ്സിലാകുന്നില്ല.

വിവാഹമോചനത്തിനായി ഒരു ഹർജി കോർട്ടിൽ ബോധിപ്പിച്ചാൽ ആറുമാസത്തിനകം യാതൊരു വിചാരണയും നടത്താതെ മോചനം സാധിക്കാവുന്നതാണെന്നാണ് ഇപ്പോഴത്തെ നിയമസിദ്ധാന്തം. ഒരാജ്ഞയെ ഉപേക്ഷിക്കുന്നതിനു കേവലം ൧൦൦ രൂപാ കാമ്പൻസേഷൻ കൊടുത്താൽ മതിയാകുന്നു. അതും എത്രയോ ആക്ഷേപാർഹമായ വ്യവസ്ഥയാണ്. അതുകൊണ്ടു നടപ്പിലിരിക്കുന്ന ക്ഷത്രിയ ആക്ടിലെ പല വ്യവസ്ഥകളും ഭേദപ്പെടുത്തേണ്ടതാണു. സെലക്ട് കമ്മിറ്റിക്ക് അപ്രകാരമുള്ള അവകാശംകൂടി ഉണ്ടായിരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. G. Narayana Aiyar : On a point of order. In discussing the amendment motion is the honourable member in order to state such things?

President : I suppose he is going into some details in order to illustrate his principle. That is apparently the idea. The honourable member has sufficient experience to know the limits of the debate at this stage.

Mr. Kallur Narayana Pillai : അതുകൊണ്ട്, ഇപ്പോഴത്തെ ഈ ബില്ലുതന്നെയും പൂർണ്ണമായിട്ടില്ല. ഇതു സിലക്ട് കമ്മിറ്റിയിൽ ചെല്ലുന്ന അവസരത്തിൽ വേണ്ടതരത്തിൽ ഭേദഗതി ചെയ്യേണ്ടതാണ്. ഏതായാലും ഈ ബില്ലിന്റെ ഭേദഗതി പ്രമേയത്തോട് ഞാൻ അനുകൂലിക്കുന്നു.

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Mr. C. N. Thuppan Namboodiri (*Travancore Jenmies*) : മി: ഗോദവർമ്മ രാജാവിന്റെ ഈ ഭേദഗതി ബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു. എന്നാൽ ക്ഷത്രിയ കുടുംബങ്ങളിൽ ഭാഗവ്യവസ്ഥ അനുവദിക്കുന്നതു് ഒരിക്കലും ക്ഷേമകരമായിരിക്കയില്ല. ഈ ബില്ലിൽത്തന്നെ പല ഭേദഗതികളും വരുത്തേണ്ടതായിട്ടുണ്ടു്. ഓരോ കുടുംബത്തിന്റെയും സ്ഥാനങ്ങൾക്കും സ്ഥിതികൾക്കും അനുസരിച്ചു വേണ്ട ഭേദഗതികൾ ഈ ബില്ലു് സലക്ററു കമ്മിറ്റിയിൽ വരുമ്പോൾ ചെയ്യണമെന്നുള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഇതിനെ അനുകൂലിച്ചുകൊള്ളുന്നു.

Mr. Kottur Kunjukrishna Pillai: Sir, I rise to support the principle of this Bill. Sir, I am one of those who have experience of the mismanagement by the Karanavan of a joint family and I have advocated, I admit, that partition is the remedy for it. When the junior members of the tarwad ordinarily supported partition they did so because they found a real evil existing. They did not know the repercussions of the remedy suggested fully. But they thought that it is absolutely necessary that they should put an end to this uncontrolled mismanagement of the tarwads and so there was a volume of support for partition of the joint families and since the partition has been effected and since that remedy has been a cut and dry remedy taking into account merely the principles of arithmetic and nothing else, we find as a rule especially in the Nair community the appalling effects of partition. Nobody even the most forcible advocates of partition now deny the fact that partition has ruined the community economically. And when one looks at the future and when one considers the fragmentation that is going on and the fragmentation that under the present law has become inevitable one is not able to envisage the future with equanimity. Sir, this Bill, I am glad to find seeks to remedy that evil at least to a limited extent with reference to a portion of the Kshatriya community which I hope will be a good example and also a guide for other communities to take some steps to prevent the inevitable ruins to which they are rushing on. Sir, I find that absolutely no legitimate objection can be brought forward against this piece of legislation. The demand made by the mover according to me is very moderate. The learned opponent of this legislation seems to have said that some right of partition has been vested in the family. It has been very epigrammatically stated that what is vested cannot be divested. But if the right of partition has been vested by legislation I am at a loss to understand why the Legislature cannot divest it by legislation. It gives or amplifies or gives some safeguards which will make it

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practicable to work out one of the Sections which have been provided in the previous Legislation itself. There is a provision if the majority of the members of the tarwad applies for exclusion from the partition they could get it; but as stated by the mover in answer to my question they have not been able to do it because when once they give up their rights to partition which they can hold as a threat to the karanavan to get maintenance, they will not be able to get even that maintenance so that even though there is the provision it has become impossible for them even if they are willing to see that the corpus of the tarwad is kept in tact without partition. This Bill really provides against those difficulties. It says that maintenance will be assured. Arrangements for the maintenance of the junior members will be effected and only if the Government are satisfied that such arrangements are complete and satisfactory, exclusion from partition will be allowed. If the arrangement is unsatisfactory, it can be questioned in Court in a summary way without the agony of prolonged litigation. Ample provisions for maintenance are provided for in this Bill and if they can get maintenance, I cannot for a moment understand why any member of this aristocratic family should be so anxious to get his portion and sell it out and destroy the tarwad. I cannot find any reason in support of that. You may legitimately ask, because you are a member of the tarwad that you want maintenance. What more do you want? What more are you usually entitled to? Why can't you do honest labour and earn your livelihood? Why should you exercise the right of destroying the property earned by the labour of your ancestors? You get maintenance from your family and the corpus remains always as a safeguard and refuge for you in times of difficulty. Even from the standpoint of the individual I say there cannot be any legitimate objection to this legislation. My only doubt is whether Government will be prepared to take this much of interest in finding out whether the arrangements for maintenance are proper and whether they will in certain cases take over the properties and manage them. In the case of other communities it may be rather difficult for Government on account of their number and the vast extent of districts involved.

President: If other communities are really following suit there must be a delegation of authority by Government to a statutorily constituted body of very high status.

Mr. Kottur Kunjukrishna Pillai: I know Sir, that this question has been attracting the attention of many of the members of other communities. They can find a ray of hope in this legislation to put their house in order. That is also one of the

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kottur Kunjukrishna Pillai.]

reasons for my interest in this Bill and to see that this Bill is passed into law. Sir, even the opponent of this measure agreed to a certain extent that it may go to a Select Committee towards the end of his speech, so that it is unnecessary for us at present to dilate very much upon the provisions of this Bill. It is really very moderate and reasonable. If there is any difference with regard to details they can be thrashed out later on in the Select Committee. The main question is not with regard to marriage or divorce but with regard to the prevention of partition in the case of certain families where a considerable part of the family wants to keep the corpus in tact. It is a matter of benefit to the community concerned. Therefore I have very great pleasure, Sir, in supporting the principle of this Bill.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I also support the principle of this Bill and I am one with Mr. Kottur Kunjukrishna Pillai in thinking that the passing of this Bill will be useful to other communities also in so far as they learn the wholesome effect of having the joint family status once again. I do not wish to dilate on the sad plight of those people who have been adversely affected by the partition laws in our country. As members or other periodical candidates for elections, we had to conduct our periodical surveys of the land and at every subsequent time we go, we find that these families are reduced to greater and greater degrees of poverty owing to the harmful effects of partition. A year ago I had the honour to suggest that a Law Commission might be appointed to go into the question of how the baneful effect of partition could be averted. Now, this Bill comes in time. On a small scale we can see the good effect that will flow by this legislation arresting in time the very harmful effect of the partition law that was passed on the spur of the moment by the Legislature a few years ago. The people who are affected by this Bill hold a unique place in our country. Whatever their place may be in the caste hierarchy of the land, there is no denying that they hold a very high place in society. As most of these families are in some way or other connected with the Royal Family, every Travancorean is zealously watching the progress of these families. Therefore, even if some of the younger members of these families are affected by the prevalent notions of individual partition, it must be the care and aim of the Travancoreans to see that they are protected even against themselves, because the Royal Family is, to a certain extent, having social relationship with these people. It should be the aim and endeavour of every Travancorean to see that all these families are not allowed to disintegrate on grounds of public policy. I claim to know intimately some of the families. Most of these families are not half so prosperous as the families to which the

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mover and the opposer, the opposing cousins, belong. Some of these families do not own many acres of the land either. It will be ludicrous that partition is allowed to go unhampered so that "Their Highnesses," as the members of these families are in common parlance and in courtesy called in social circles, should go with a few cents of land. To the younger members of the families who would care for the partition, I would make a sporting offer whether they are willing to relinquish their titles and their hereditary claim to respectability and are willing to come as our culinary artists. Then they will fall back upon their Kshatriyahood and Rajahood. Therefore in all seriousness I would ask the House to help Mr. Godavarma Raja to introduce this Bill and make it law without delay.

Sir, there was a time when with the advent of English education, all of us wanted individual partition. But, the time spirit again is in favour of collective action. The success that has attended the co-operative movement in some places, the prevalent social and political ideas, all tend to collective co-operative effect. With the advantage of education and with the example of successful collective co-operative endeavours before us it will not be very difficult for these families again to make headway provided they do not insist upon each one getting his few cents of land. The honourable member who opposed the Bill was saying that there is some litigation in some courts. Well, that is a signal. That is how the family schedules are going to be afflicted by the law which is on the Statute book now. Therefore, the introduction of this Amendment Bill is quite in time and to prevent further mischief it is highly necessary that we must support the honourable member Mr. Godavarma Raja in his very laudable attempt to restore the dignity and the economic position of the scheduled families.

Mr. G. Narayana Aiyar: I support the principle of the Bill. The practical difficulties arising out of partition have been stated by the previous speakers. After getting a few cents of land as a result of partition, a man is unable to cultivate the land for want of sufficient material and is forced to purchase paddy and this leads to the import of paddy generally. Therefore, all steps are to be taken to see that collection of holdings is maintained to carry on cultivation on a profitable basis and to see that the families are kept intact without being allowed to disintegrate. That is an absolute necessity. With these words, I support the motion before the House.

Mr. V. S. Arumugham Pillai: Sir, I also support the motion before the House and the principle underlying the Bill. The honourable members have given us an account of the injurious

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[Mr. V. S. Arumugham Pillai,]

effects of the Nayar Act. I shall be failing in my duty if as a member of the Nanjinad Vellala community if I do not give an account of the effect of the Nanjinad Vellala Act on my community. Sir, as my friends know, the community to which I belong was an important and a prominent community in the South. Economically also the community to which I belong was quite sound. The Nanjinad Vellala Act was passed in 1102 and it has been working for about 14 years. I may inform the House that during all these years, owing to fragmentation of holdings and various other causes the economic condition of the community is very low. Further, even the paddy fields which were yielding sufficient quantities of paddy have become very hopeless and the yield is very low. I do not want to dwell upon that aspect because, as my friend Mr. Narayana Aiyar and others have pointed out, fragmentation is an evil; and for proper cultivation and proper yield there must be consolidated holdings. Then only will cultivation be profitable and more economic. Sir, for these reasons I support the principle of the Bill and the motion before the House.

Mr. A. Eswara Pillai (*Kottarakara and Pathanapurm cum Shencotta*): Sir, I also support the principle of the Bill. There seems to be a consensus of the opinion in regard to some of the evils existing in the present Act. Both the mover and the opposer of the Bill admitted that the provisions in the Act relating to marriage, partition etc, are ineffectual and injurious to the community. It is therefore, an absolute necessity that this law should be materially altered to the benefit of the community. Again the mover and the opposer consented that the Bill should be referred to a Select Committee. Here, I raise the point that if a Select Committee is constituted, it should be given ample powers to make suitable amendments and modifications in the Act especially in regard to the question of marriage. With these words I support the motion.

President: Before putting the question to the vote, I propose to travel beyond the limits that Government set before themselves in regard to matters of social legislation, generally speaking. I do so because I regard this Bill and the principle underlying this Bill as a matter of crucial and fundamental importance for the future of this State. As an administrator I have hardly had a happier time than the last half hour when I realised that the opinions of people from various communities who are in a position to form sound opinions have more or less concurrently given expression to the sentiment that some halt should be called to the process of fragmentation and disintegration which is overtaking many family estates on the West Coast and especially in Travancore. There is no one who has attempted to start a big industry or undertaking

LIBRARY ARCHIVES Kerala Legislative Assembly

in Travancore but must be painfully aware of the results produced by the partition legislation. Compared with the wealth of the country in the aggregate, the individual wealth of the people here is trifling and small in comparison with essentially poorer places like States in Central India as Rajputana. Whereas in other places it is possible to finance large undertakings, agricultural or industrial or manufacturing, it is next to impossible here to call upon people, with due regard to their other commitments and their responsibilities, to take any risk whatsoever in regard to commercial or industrial matters. And it is well-known to the honourable members of this House that no big commercial or industrial or manufacturing undertakings can be started without taking some financial risks. But what sort of financial risks can be taken by one who is mid-way between starvation and semi-starvation? Other countries have had the same problem to face. Some countries have faced it by drastic means, by compulsory consolidation of holdings. Some countries have solved the problem by the exercise of their natural capacity to act together. Belgium and Holland and Denmark, notwithstanding the fragmentation of their holdings, had the good sense, the collective good sense, to come together and form co-operative societies on a huge scale so that each co-operative organisation or syndicate was a capitalist who could do a great deal in the way of agriculture and industry. Any traveller in Denmark or Holland would have realised that although each peasant had only a small fragment of land he was a unit of a great co-operative union which owned steamers of its own, which owned agricultural machinery valued at thousands of pounds and it was able to undertake risks and carry them out, spreading the losses and pooling and distributing the gains. Whether we shall emulate the example of Denmark, Belgium and Holland, and start co-operative enterprises of similar amplitude and similar success is a matter on which perhaps some little doubt may be entertained. Our past experience has not been too happy in that respect. Moreover the impulse, the powerful impulse, of a family feeling is necessarily absent in a co-operative organisation. The traditional feeling in India should be nurtured and cherished rather than annihilated. The time has come when not only the Kshatriya community but every community in this country must try to set its house in order and reorganise its social laws so that in the economic struggle of the present and the future they may act as active entities and not as a futile fragment. It is because there is the possibility and the hope of real good arising from this projected legislation which has been started by one community, what I hope will give room for thought to other communities, that I have ventured to make these observations.

The question that the principle of the Travancore Kshatriya Act (Amendment) Bill be accepted was then put and carried.

The Secretary then read the title of the Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. R. Goda Varma Raja : Sir, I move that the Bill be referred to a Select Committee consisting of the following members :—

1 Mr. M. Govindan
2 Mr. C. N. Thuppan Namboodiri
3 Mr. M. K Ananthasiva Aiyar
4 Mr. K. M. Kesavan
5 Mr. Kochikal P. Balakrishnan Tampi
6 Mr. Kottur Kunjukrishna Pillai
7 Mr. G. Narayana Aiyar
8 Mr. Kallur Narayana Pillai
9 Mr. P. G. Rama Varma Raja
10 Mr. Haji Hassan Yacoob Sait
11 Mr. A. Eswara Pillai
12 Mr. P. R. Goda Varma Raja
13 Mr. Puthupally S. Krishna Pillai

Mr. Kottur Kunjukrishna Pillai : I second the motion.

The motion was put and carried.

Mr. P. R. Goda Varma Raja : Sir, the Select Committee may be instructed to go into the question of marriage and dissolution also.

Mr. Puthupally S. Krishna Pillai : Sir, there can be no objection to such an instruction being issued to the Select Committee.

Mr Kottur Kunjukrishna Pillai : Should there not be a time limit?

President : That is coming. Does the House agree to the instruction being issued?

The motion was carried.

Mr. Puthupally S. Krishna Pillai : The time limit may also be fixed by the mover.

Mr. P. R. Goda Varma Raja : Two months may be fixed for submission of the report.

President : Why should there be two months?

Mr. Puthupally S. Krishna Pillai : I do not think two months will be necessary, but it is by way of abundant caution that a period of two months is fixed.

The question that the Select Committee Report be submitted in two months was then put and carried.

THE CHRISTIAN SUCCESSION ACT (AMENDMENT) BILL.

Mr. K. K. Kuruvilla : Sir, I move for leave to introduce the Christian Succession Act (Amendment) Bill.

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